

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MICHAEL D. PETERSON §
VS. § CIVIL ACTION NO. 9:17-CV-168
RAYMOND W. NEWBERRY, ET AL. §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Michael D. Peterson, a prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Lieutenant Raymond Newberry, Sergeant Jonathan Logan, and Officer Patricia Young.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends granting defendants' motion to dismiss with respect to the access to courts claim and the claims against defendant Young. The Magistrate Judge recommends denying the motion with respect to the retaliation claim against defendants Newberry and Logan.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report and recommendation of the Magistrate Judge (document no. 24) is **ADOPTED**. The

to dismiss (document no. 11) is **GRANTED**, in part, and **DENIED**, in part. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** **September 28, 2018.**



Ron Clark, Senior District Judge